

## **MINUTES**

The Tennessee State Board of Cosmetology held a meeting on May 7, 2007 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, H. D. Adcock, Vice Chairman, Hazel Moore, June Huckleby Lee Bowles and Janet Wormsley. Judith Jackson and Judy Golden were not present.

Others present were: Beverly Waller, Executive Director, Kathryn Wiseman, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman Linda Colley called for roll call.

## **MINUTES**

Minutes will be available at the next board meeting.

## **APPEAR BEFORE THE BOARD**

Angie Jargers & Kane Walls, Virginia College School of Business & Health – Present. Ms. Jargers and Mr. Walls were present to discuss opening a cosmetology school at Virginia School of Business and Health in Chattanooga. They stated the school is accredited and to advertise for the 20 students applications they must have the school application approved by the Board. They have submitted an application, surety bond, addendum to application, facility plan, catalog for current programs at the school and proposed student acknowledgement form for the cosmetology program. They stated they would like to open October 1, 2007.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Janet Wormsley to accept the application and come back before the board when the school is ready to open. Motion carried unanimously.

Marwan Zaouk, Nashville, TN – Present. Mr. Zaouk owns a Spa in Knoxville. Mr. Zaouk asked the board to clarify for him what services an aesthetician and cosmetologist can perform. Mr. Zaouk asked if a cosmetologist can do full body waxing? The board informed Mr. Zaouk that a cosmetologist can perform full body waxing same as an aesthetician.

## **ADMINISTRATIVE REPORT**

Coffee County Beauty Academy previously Tullahoma Beauty School has submitted an application for change of ownership and change of name.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Lee Bowles to accept the change of name and ownership. Ms. June Huckleby will need to inspect the school. Motion carried unanimously.

Kingsport Academy of Hair Design previously Wamplers Kingsport Beauty School has submitted an application for change of location and change of name. Ms. Judy Golden has inspected the school and stated they are in compliance.

MOTION was made by Ms. June Huckleby and seconded by Ms. Janet Wormsley to accept the change of location and name. Motion carried unanimously.

Stylemasters Academy of Cosmetology has submitted an application for change of ownership.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Lee Bowles to accept the change of ownership. Motion carried unanimously.

Carter's Cosmetology College has submitted a revised floor plan. Square footage will increase from 3,000 square feet to 4,500 square feet. The hours of operation were included.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to accept the revised floor plan. Motion carried unanimously.

Hue Nguyen is requesting reciprocity for his manicurist license. Certification from Florida states he has only 240 hours in which they require. No examination was required. Hue has an additional 360 hours in training.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby to have Hue Nguyen to take the manicurist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Sheena Pribble is requesting reciprocity for her manicurist license. Ms. Pribble has 300 hours from Earl Academy Beauty School since 1988. Ms. Pribble has a license in Arizona. Ms. Pribble does not have a recent five year history due to her husband being in military and the constant moving.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to have Ms. Pribble send in proof of her husband being in the military and the board will discuss at the next meeting. Motion carried unanimously.

Ms. Binta Diallo is requesting reciprocity of her cosmetology license. Ms. Diallo has 3,120 hours in Guinea, West Africa.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Hazel Moore to have Ms. Diallo take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Linh Khanh Ha is requesting reciprocity of her cosmetology license. Ms. Ha has a license in Vietnam and 1,900 hours of instruction.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Hazel Moore to have Ms. Ha take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Hoang Nguyen Xuan Loc is requesting reciprocity of his cosmetology license. Mr. Loc is licensed in Vietnam and has 1,600 hours.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Janet Wormsley to have Mr. Loc take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Ms. Beatriz Seidler is requesting reciprocity for her aesthetician license. Ms. Seidler is licensed in Columbia and attended school in Columbia. Ms. Seidler did provide a five year work history.

MOTION was made by Ms. June Huckleby and seconded by Ms. Hazel Moore to have Ms. Seidler to take the esthetics examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Claudi Emilia Guillen Blanco is requesting reciprocity of her cosmetology license. Ms. Blanco is licensed in El Salvador and has 2,000 hours of instruction.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Hazel Moore to have Ms. Blanco to take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Rachel Hart is requesting an extension from the 2006 Instructor seminar. This request was presented at the April board meeting and the board voted to have Ms. Hart furnish a doctor's statement. Ms. Hart provided a doctors statement stating her son was diagnosed with RAD on October 23, 2006.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Hazel Moore to deny unless Ms. Hart can furnish a doctors statement concerning an illness before October (during the summer months). Motion carried unanimously.

Mary Vinson is requesting an extension from the 2007 Instructor Seminar. Ms. Vinson's request was presented at the April board meeting and the board voted to have her submit a doctor's excuse. Ms. Vinson did submit a doctor's statement informing the board of her lung transplant.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Lee Bowles to accept the request for the extension from the 2007 Instructor Seminar. Motion carried unanimously.

Margaret Taylor is requesting an extension from the 2006 Instructor Seminar. Ms. Taylor request was presented at the April board meeting and the board voted to have her send in a doctor's statement. Ms. Taylor was caring for her mother. Ms. Taylor submitted a doctor's statement to the board.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to grant Ms. Taylor an extension from the 2006 Instructor seminar and require she attend the 2007 and 2008 Instructor seminars. Motion carried unanimously.

Le Badgett, Reuben Allen College is asking the board to allow Ms. Jessica Ronning to begin attending the Instructor seminars in 2008 instead of 2007. Ms. Ronning was licensed as an instructor February 28, 2007, so she was within two days of the March 2<sup>nd</sup> cut-off date. The school meets the NACCAS requirement of providing continuing education each year by attending the state seminar one year, then providing additional instructor education on alternate years. Ms. Badgett stated it would be very helpful to have Jessica on the same schedule for continuing education as the rest of the staff.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby to allow Ms. Ronning to begin attending the instructor seminar in 2008. Motion carried unanimously.

Tinika Hollis is requesting the board to allow her instructor status to be on inactive. Ms. Harris states that she sent a letter to put her instructor status on inactive, due to her mother's health condition, so that she would not be required to attend the 2006 Instructor seminar. The board office has no record of her putting her license on inactive. Ms. Hollis is requesting the board to allow her to put her license on inactive.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to deny Ms. Harris request. Motion carried unanimously.

Deirdre Thompson is requesting the board allow her take her manicurist examination. Ms. Thompson earned a manicurist's diploma from Tennessee Academy of Cosmetology in 1996, by completing the required 300 hours. Ms. Thompson is requesting approval to take the manicurist's examination.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to approve Ms. Thompson to take the manicurist examination. Ms. Lee Bowles voted against this due to the amount of hours is required presently. Mr. H. D. Adcock stated that Ms. Thompson was under a contract that stated 300 hours. Motion carried unanimously.

Consent orders totaled \$9,850.00.

Le Nails  
107 Northgate Mall  
Chattanooga, TN 37415

Violation issued November 22, 2006  
Pd \$500.00 on 3-30-07

Phaz I Beauty Salon  
218 Munford Street  
Covington, TN 38019

Violation issued June 6, 2003  
Pd \$300.00 on 3-30-07

Hair Plus #4229  
120 Foothills Mall  
Maryville, TN 37801

Violation issued August 19, 2005  
Pd \$500.00 on 4-12-07

Super Nails  
2275 Murfreesboro Road #103  
Nashville, TN 37217

Violation issued January 19, 2007  
Pd \$500.00 on 4-12-07

Expo Nails  
617-C South Cumberland Street  
Lebanon, TN 37087

Violations issued August 24, 2005 &  
March 23, 2007  
Pd \$2000.00 on 4-26-07

World of Braids  
3702 South Mendenhall  
Memphis, TN 38115

Violation issued February 13, 2007  
Pd \$1000.00 on 5-1-07

Awesome Nails  
115 Regina Court  
Murfreesboro, TN 37128

Violation issued March 24, 2007  
Pd \$2000.00 on 5-1-07

Kodak Family Hair Salon  
355 Douglas Dam Road  
Kodak, TN 37764

Violation issued February 13, 2006  
Pd \$500.00 on 5-3-07

A Wild Hair  
2650 Memorial Blvd. Suite B  
Murfreesboro, TN 37129

Violation issued January 25, 2005  
Pd \$250.00 on 5-3-07

Nail Art  
1575B Fort Campbell Blvd.  
Clarksville, TN 37042

Violation issued May 18, 2006 &  
June 22, 2006  
Pd \$2,000.00 on 5-7-07

MOTION was made by Ms. June Huckeby and seconded by Ms. Janet Wormsley to accept the consent orders. Motion carried unanimously.

The board discussed the July board meeting and decided to not have a July board meeting.

#### **STAFF ATTORNEY REPORT**

**1. Case No.: L06-COS-RBS-2006036911**

September 14, 2006 Notice of Violation provides that an unlicensed individual was practicing cosmetology in the shop without a cosmetologist license. This case was presented at the October 2006 board meeting where the board authorized a \$500 civil penalty. The action was against the individual and not the salon. Several unsuccessful attempts were made to deliver the consent order via certified mail and personal service.

**Recommendation: Administratively Close – unable to find Respondent**

**2. Case No.: L06-COS-RBS-2006039321**

October 4, 2006 Notice of Violation states that Respondent cosmetology shop relocated but did not pass an initial inspection prior to opening. The inspector told the shop owner that the shop must be closed until this matter is resolved.

Board voted to send a consent order providing that Respondent will comply with the requirements of TCA §62-4-118, pay the appropriate fees and shop will remain closed until license is reissued. The Consent Order was never signed but Respondent did close shop until the inspection could take place. Respondent received a 100 on the inspection.

**Recommendation: Dismiss**

**3. Case No.: L07-COS-RBS-20072007056751**

March 20, 2007 Notice of Violation provides that the Inspector found an unlicensed individual working in the shop; no fumigants in drawers; dirty towels; and, dirty tools.

**Complaint History:** *Three violations were issued in 2006 for allowing an unlicensed individual to practice natural hair styling in a licensed shop. L06-COS-RBS-2006034401 & 2006031071 were combined and a consent order providing for a \$1000 civil penalty was sent.*

**Recommendation: Formal Hearing (\$2000 civil penalty)**

**4. Case No.: L07-COS-RBS-2007056581**

March 20, 2007 Notice of Violation provides that an inspector found an unlicensed individual working at Respondent manicure shop.

**Recommendation: Formal Hearing (\$500 civil penalty)**

**5. Case No.: L07-COS-RBS-2007056561**

March 29, 2007 Notice of Violation states that Inspector found Respondent operating a manicure shop without a shop license.

**Recommendation: Cease & Desist along with Letter of Instruction to apply for license within 30 days (follow up if no application received)**

**Board asked that this be changed to Formal Hearing (\$500.00 civil penalty)**

**6. Case No.: L07-COS-RBS-2007056551**

March 30, 2007 Notice of Violation states that the Inspector came to the shop on a complaint of unlicensed activity. No other information was provided.

**Recommendation: Dismiss**

**7. Case No.: L07-COS-RBS-2007052911**

THIS CASE WAS PRESENTED IN APRIL AND WAS DISMISSED. COMPLAINANT SAYS THAT SHE WANTS TO COME BEFORE THE BOARD TO HAVE IT RECONSIDERED.

Complainant alleges that Respondent violated T.C.A. §62-4-127(b)(2) [unprofessional, immoral or dishonorable conduct] by taking customer cards containing names, address and phone numbers after giving her two weeks' notice.

Respondent states that she took the information home to send Christmas cards to her clients. Both parties confirm that the cards were returned to Complainant.

**Recommendation: Dismiss or Letter of Warning**

Ms. Amber Beard is present today to speak with the board concerning her complaint. Ms. Beard stated that the respondent was not given permission to take the cards. Ms. Beard feels the respondent violated the law.

The board stated that this was an employee – employer dispute in which they can't become involved in. The board suggested she may want to contact an attorney.

**8. Case No.: L07-COS-RBS-2007057351**

April 3, 2007 Notice of Violation provides that an inspector observed three (3) employees working on customers, one (1) of which was performing a pedicure and got up from the client and went out of the back door of the shop. Inspector did not obtain any of the names of the individuals working on clients to confirm whether they were engaging in unlicensed activity.

***Prior complaints:***

*2003- wax machine in nail shop – warning*

*2007- wax machine in nail shop – warning*

**Recommendation: Dismiss**

**9. Case No.: L07-COS-RBS-2007057371**

April 7, 2007 Notice of Violation provides that the inspector observed an unlicensed individual practicing cosmetology. Respondent has taken the theory portion of the licensure examination and not the practical and has been working unlicensed for several months.

**Recommendation: Formal Hearing (\$500.00 civil penalty)**

**10. Case No.: L07-COS-RBS-2007057411**

April 5, 2007 Notice of Violation provides that the inspector observed the Respondent, practicing cosmetology with an expired individual license (expiration date: 11/30/06) and without a shop license.

**Recommendation: Formal Hearing (\$1000.00 civil penalty)**

**11. Case No.: L07-COS-RBS-2007057441**

March 29, 2007 Notice of Violation provides that inspector observed an unlicensed individual performing a pedicure on a client.



***Prior complaints:***

*2000- unlicensed conduct - \$300.00*

*2006 – unlicensed conduct - \$500.00*

**Recommendation: Formal Hearing (\$750.00 civil penalty)**

**12. Case No.: L07-COS-RBS-2007057451**

April 4, 2007 Notice of Violation provides that the inspector found the following violations at the shop: floors were dirty; fumigants were not in manicure or pedicure areas; manicure tables were dusty; hot wax machine with waxing strips in the trash container; and an unlicensed individual was performing a manicure.

***Prior complaints:***

*1997- Unlicensed activity - \$500.00*

*2001- Unlicensed activity - \$500.00*

*2006- Pending complaint*

**Recommendation: Combine with 2006046031 for Formal Hearing (\$2,500.00 civil penalty)**

The board asked that this shop be given an offer of surrendering there shop license or formal hearing (\$2,500.00). All agreed with this but Mr. H. D. Adcock.

**13. Case No.: L07-COS-RBS-2007058651**

April 12, 2007 Notice of Violation provides that the Respondent was operating a natural hair styling shop without a shop license and that she was practicing natural hair styling with an expired individual license (expiration date: 3/31/07). Inspector also stated that she observed two (2) unlicensed employees, but did not obtain any identification of the employees to verify that they were unlicensed.

***Prior complaints:***

*2 pending complaints*

**Recommendation: Charges Filed April 24, 2007 – combine with other complaints**

**14. Case No.: L07-COS-RBS-2007058621**

April 11, 2007 Notice of Violation provides that inspector found an unlabeled bottle of nail liquid.

**Recommendation: Letter of Warning**

**15. Case No.: L07-COS-RBS-2007053451**

Complainant alleges that the cosmetologist made her hair fall out by coloring her hair and giving her a permanent. Shop owner responded to the complaint and stated that the cosmetologist has styled the Complainant's hair since the complaint was filed and that it was her understanding that the Complainant was withdrawing the complaint.

***Prior complaints: None***

**Recommendation: Dismiss – Refer to Consumer Affairs**

**16. Case No.: L07-COS-RBS-2007058611**

April 13, 2007 Notice of Violation provides that an individual performing a pedicure at the shop walked out the back door. Inspector assumes the individual was unlicensed, but was unable to verify that the individual was unlicensed.

***Prior complaints:***  
*2005- wax machine in shop*

**Recommendation: Dismiss**

**17. Case No.: L07-COS-RBS-2007058601**

April 13, 2007 Notice of Violation provides that the Respondent, a licensed cosmetologist, was operating a cosmetology shop without a shop license.

**Recommendation: Formal Hearing (\$500.00 civil penalty)**

**18. Case No.: L07-COS-RBS-2007056541**

March 28, 2007 Notice of Violation provides that the inspector observed an unlicensed individual performing a pedicure without a manicurist license.

**Recommendation: Formal Hearing (\$500.00 civil penalty)**

**19. Case No.: L07-COS-RBS-2007056531**

March 27, 2007 Notice of Violation provides that the Respondent, a licensed manicurist, was performing manicuring in a tanning salon; shop is not licensed as a manicure shop.

**Recommendation: Cease & Desist to individual and salon**

**20. Case Nos.: L05-COS-RBS-2005027821, 2005018781**

This complaint was discussed in November 2006. Complainant alleged lack of instruction, sanitation violations etc. at Respondent cosmetology school. I requested a follow-up inspection to determine whether these allegations were true. Complainant is no longer a student. A current student who was in class with Complainant stated that Complainant's allegations were untrue and that she had been a trouble-maker while in school. The Inspector observed no violations at the school and suggested the case be dismissed.

**Recommendation: Dismiss**

**21. Case Nos.: L05-COS-RBS-2005024041**

September 17, 2004 Notice of Violation stated that an unlicensed worker was working in Respondent manicure shop. This case was authorized for a formal hearing on October 3, 2005. In reviewing this case I see that the Inspector did not obtain the name of the individual working to confirm whether they were engaging in unlicensed activity.

**Recommendation: Dismiss**

**22. Case Nos.: L05-COS-RBS-2005024031**

August 13, 2004 Notice of Violation stated that there was a bed in the back of Respondent manicure shop. This case was authorized for a formal hearing on October 3, 2005. That is ridiculous.

**Recommendation: Dismiss**

**23. Case No.: L05-COS-RBS-2005024021**

August 17, 2004 Notice of Violation provides that an inspector observed an individual working who got up from the client and went out of the back door of the shop. Inspector did not provide adequate information to confirm whether she was engaging in unlicensed activity.

**Recommendation: Dismiss**

**24. Case No.: L05-COS-RBS-2005037281**

September 20, 2005 Notice of Violation provides that an inspector observed an individual working who got up from the client and went out of the back door of the shop. Inspector assumes the individual was unlicensed, but was unable to verify that the individual was unlicensed.

**Recommendation: Dismiss**

**25. Case No.: L05-COS-RBS-2005037311**

September 23, 2005 Notice of Violation provides that an inspector observed two (2) employees working on customers, both were performing a pedicure and got up from the client and went out of the back door of the shop. Inspector did not obtain any of the names of the individuals working on clients to confirm whether they were engaging in unlicensed activity.

**Recommendation: Dismiss**

**26. Case No.: L07-COS-RBS-2007055031**

March 17, 2007 Notice of Violation provides that inspector visited Respondent manicure shop on a complaint of unlicensed conduct. The inspector observed an individual exit the building through the back door when he entered the shop. The inspector also found dirty files and buffers.

**Recommendation: Dismiss**

**27. Case No.: L05-COS-RBS-2005021631**

September 23, 2004 inspection report indicated an unlicensed student working at Respondent cosmetology shop. Neither the inspector nor a Regulatory Boards Investigator was able to ascertain the name of this alleged student. Respondent denied any unlicensed conduct in a sworn statement provided to the Investigator.

**Recommendation: Dismiss**

**28. Case No.: L06-COS-RBS-2006029101**

July 13, 2006 Notice of Violation states that Respondent was cutting her mother's hair in an unlicensed shop. At the time of the inspection, Respondent had applied for a shop license. Shop license is current and there have been no violations.

**Recommendation: Close with Letter of Warning**

**29. Case No.: L05-COS-RBS-2005014681**

September 13, 2004 Notice of Violation states that three people were working in a manicure shop with no license. Inspector did not obtain any of the names of the individuals working on clients to confirm whether they were engaging in unlicensed activity. Inspector noted on violation "I didn't understand what she said because she keeps talking." Inspector is no longer with the Department.

**Recommendation: Dismiss**

**30. Case No.: L05-COS-RBS-2005021181**

February 8, 2005 Notice of Violation states that Respondent was using acetone from ACE Hardware. While not advisable, this is not a violation of rule or law. Respondent also had an unlabeled bottle of nail liquid.

**Recommendation: Close with Letter of Warning**

**31. Case No.: L05-COS-RBS-2005027211**

June 29, 2005 Notice of Violation states a nail student was performing a pedicure at the time of inspection. After conducting an investigation into this matter and further questioning the inspector, it was determined that no unlicensed activity occurred at this salon.

**Recommendation: Dismiss**

MOTION was made by Ms. Lee Bowles and seconded by Ms. Hazel Moore to accept the recommendations with the changes on #5 & #12. Motion carried unanimously.

On the rulemaking Ms. Kathryn Wiseman stated that she has made another change to Rule 0440-2-1.10. Ms. Wiseman stated that she was going to change the (i.e. guide dogs) to (e. g. guide dogs). There is no "registration" or "license" that says a dog is a service animal. Therefore, if the person says it is a service animal and say they have a disability, then it is a service animal and we need to allow it. The disability does not have to be physically apparent and the person does not have to tell you what the disability is. People are not obligated to detail their medical issues. Legal is reviewing the rule concerning animals in the shops.

**OTHER BUSINESS**

No meetings will be held in July or September 2007.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Hazel Moore to adjourn the meeting. Motion carried unanimously.